

R E M A R K S

Applicants wish to thank Examiner Pryor for the courtesy extended to their representative during the telephone interview on June 24, 2009, and in particular for the constructive discussion and the Examiner's helpful suggestions.

Accordingly, applicants herewith submit Claims 1 to 4, 6, 7, 9 to 12, 14 and 15 as set forth in Appendix I. Claims 1, 7 and 10 are amended relative to the previous version to read on the embodiments of Claims 20, 21 and 22, respectively, and Claims 16 to 22 have been canceled. No new matter has been added.

In light of the foregoing, applicants' claims pertain to a method of increasing and qualitatively modifying the content of flavonoids and phenolic constituents in grapevines and hops, to compositions obtained from such modified grapevines and in hops, and to a method for producing a plant preparation of such grapevine and hop plants. The Examiner indicated that applicants' methods and compositions were allowable to the extent as they pertained to grapevines in light of the data set forth on pages 9 to 11 of the application which corroborate the unexpected results which are achieved in accordance with applicants' invention when the plant is selected from grapevines. It is respectfully noted that Dr. Rademacher's Declaration dated June 11, 2007, further corroborates the unexpected results which are achieved in accordance with applicants' invention when the plant is selected from hops. A copy of the respective Declaration which was submitted with applicants' paper of June 13, 2007, is herewith enclosed for the Examiner's convenience.

The changes in the claims which are herewith presented are not deemed to necessitate further examination and/or search on the part of the Examiner since applicants merely present previously dependent claims in independent form. Entry and consideration by the Examiner is deemed equitable and is respectfully solicited.

The Examiner rejected Claims 1, 2, 4, 7, 10 to 12 and 15 under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of

*Motojima et al.* (US 4,866,201). Favorable reconsideration of the Examiner's position is respectfully solicited.

The teaching of *Motojima et al.* is not deemed to provide any information which could reasonably suggest or imply the treatment of hops plants with the particular compounds which are employed in accordance with applicants' invention, or which could reasonably suggest that, in doing so, the content of flavonoids and phenolic constituents in hops is increased and qualitatively modified as shown in Dr. Rademacher's Declaration. As such, the reference cannot be deemed to have rendered applicants' invention as a whole *prima facie* obvious to a person having ordinary skill at the time applicants made the invention.

In light of the foregoing and applicants' previous remarks,<sup>2)</sup> the claims presented herewith are deemed to be in good condition for allowance, and favorable action is respectfully solicited.

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2) Applicants' papers of February 05, 2009, June 26, 2008, and December 18, 2007, which are herewith incorporated by reference.